

SHOOTING TEST TIME

Small Crowd Saw De Malchin Best Smith.

NO ENTHUSIASM SHOWN

MATCH LACKING IN SPIRIT AND FILE.

Swordsman "Charged" Each Other Twenty Times Mounted and Several Times on Foot—Smith Wounded in Throat and Encounter Was at Once Called Off.

There were thirty-three persons, several colored gentlemen and 173 small boys at Agricultural park yesterday afternoon to see "Baron" Ivan de Malchin, champion broadswordman of the world, as he calls himself, and Troupier Edward Smith in a broadsword contest. The small boys didn't pay, for they came over the fence.

The only enthusiasm aroused was among the youngsters, and they were all partners of the black man who was the under dog. The audience shivered about in a cold wind waiting an hour



ONE OF THE ATTACKS.

and a half for the contest to begin. It was a very tame affair, not half as interesting as a horse race or a camp meeting.

The "baron," who says he is the victor of twenty-eight such "battles," is mentioning his encounter with Detective Sheets at the police station, and the black trooper rode forth upon huffy looking horses to positions in front of the grandstands. They showed no more puffed armor than a football tackle or a baseball umpire. Neither intended to get hurt.

Lieutenant White Absent.

Lieutenant White of Port Douglas, who was to have been referee, was discreetly absent. In his place were appointed Corporal Henderson and A. W. Dickinson. The contest was to consist of sixteen mounted charges and fourteen foot encounters. When the trooper blew a little time the two swordsmen charged upon each other. At their knees were hungry and tired the onslaught was not fierce. There was a swish, a clash and the baron swung Smith around. Some others count. The "baron" swiped Smith twice just to show the crowd that he could do it. But for some reason, too involved and intricate to explain, the "point" wasn't allowed. They charged again and Smith's horse shied, making for the stable, where there had been a lot of oats. After some dithering for opening the Russian landed two stomach punches. Then time was called, but as there were no boards, the contestants didn't dismount.

Again they charged—it was in reality a canter—and there was a mix-up at short range. Smith's horse reared and would not come forward. The "baron," by a quick twist, disarmed the negro, throwing his sword from his hands. But the trooper let the reins and caught the weapon before it fell. In the meantime the "baron" was lambasting him on the head from behind. In fact, one of the charged characters in this game seems to be in getting behind the other fellow and trying to break open his cerebellum.

But the affair was not like this, for in the next charge of the chargers, which didn't seem to understand the play at all, Smith got in a blow across the "baron's" forehead. The "baron" would have been if he didn't wear a mattress. The judges didn't allow the point and the Russian landed a short snort in the stomach. This charging was repeated in all twenty times, in several of which no points were scored. At the conclusion the "baron" has ten points and the negro had none. The "baron" was not so slow after he was warmed up. During the contest the "baron" made a magnificent offer to exchange horses. Smith's horse, while somewhat balky, so his new rider didn't make many points in the last half of the game. The horses were not so anxious for the contest as the riders, for they didn't wear pads on their heads.

De Malchin Draws Blood.

The remainder of the contest was to be fourteen charges on foot. As the spears which had been used in the back were broken, Sergeant Jackson brought out two cavalry sabers, sharp and pointed. It looked as if some one might get killed. The "baron" showed that he knew more than the negro about this game, too. In the first two clashes he swiped the trooper in the stomach with right twine. Then he jabbed him in the head from a short arm punch. Smith looked worried, but he was game. He seemed to encourage him, and he scored two points. Then the "baron" got two more. Smith didn't have a defense for the Russian's right swing to the stomach.

At the end of the seventh encounter Smith's thumb was bleeding—he had been cut with the saber. First blood was declared for the Russian, and Referee Dickinson announced that in view of the blood the contest must stop. That was an illustration of a French duel, where the antagonists faint when they smell blood.

The "baron" was declared the winner, and now he is the undisputed champion of the world. For he has "kicked" Ed Smith.

A fencing bout between Sergeant Jackson and Private Lacey was enjoyed by the crowd previous to the main event, and a power chase between Sergeant Lacey, Private Jackson, Bucklehead Lacey, mounted, was quite exciting.

Present Received at Police Station Yesterday.

BOARDING HOUSE FIND

HAD BEEN THERE FOR MANY MONTHS.

Heavily Loaded Infernal Machine That Would Have Done Considerable Damage If It Had Been Exploded—Found By Two Young Men While Walking Out.

The police department was presented with an infernal machine yesterday. It was 4 inches long, cylinder-shaped, and 1 1/2 inches in diameter, and probably had a fuse of 100 feet. It may have been intended to blow up a train, having enough giant powder in it to ruin a locomotive, but it is more likely to have been the invention of a crank with no other object than the promotion of his own amusement.

Since last July the curious contrivance has been in the possession of Mrs. Sarah Ventress, who conducts the Salt Lake house, at 149 South Second West.

Charles J. Corey, who has been in business in Ogden as a contractor for the past six years, yesterday filed a petition in voluntary bankruptcy in the United States court. His debts amount to \$118,149.46, all of the claims being unsecured. His assets consist of uncollected claims amounting to \$208,206.90 and a small amount of property.

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Who Creditors Are.

The principal creditors are as follows: J. W. Case, \$1,525; J. A. Larsen & Co., \$4,784.11; L. C. Gallagher, \$1,262.55; Ogden Savings Bank, \$2,531.24; Mason, Ehrman & Co., \$23,521.34; Merchants' National Bank, Portland, \$1,200; Astoria National Bank, Astoria, Ore., \$7,254.63; D. H. Peery, \$4,047. The claims are all for money advanced on contracts. The money borrowed to carry out contracts.

Charles J. Corey was a member of the firm of Corey Bros. & Co., a firm of building contractors. The firm was prosperous for a number of years and did much of the important railroad and canal building of the west, operating from Mexico to Canada. The firm's misfortunes began with a railroad contract in Oregon.

Lost On Oregon Contract.

They had contracted to construct a railway from Portland to Astoria, but with the road about half finished came the financial panic, and the eastern backers dropped the scheme, owing the company about \$300,000. The firm took a lien on the road, but before anything could be realized the work was rendered of no value by the completion of a line by another company.

Mr. Corey was a member of the city council of Ogden during the years of 1889-90. He has but recently returned from Alaska, and is preparing to return to that region this spring.

Volunteer Officers Meet

ADOPTED CONSTITUTION AND BY-LAWS LAST NIGHT.

Association Will Be Open to Officers of All Organizations Both Regular and Volunteer.

Has a History.

The infernal machine has a history. Last July two young men by the name of Bates were returning from a fishing expedition, and while walking up the Rio Grande Western track near Ninth South one of them saw the object lying alongside the roadbed. He picked it up, saw that it was a giant, protruded from one end, and decided to take it to the boarding house and investigate. It laid in his room untouched until the two brothers returned. Mrs. Ventress discovered it. She asked what it was, and was told as much as the young men knew about it. Then she put it carefully away.

Had it ever been jarred violently, the boarding house would have been wrecked. Mrs. Ventress worried considerably over the machine being in the place, and spoke to a miner living there about it. He recognized the giant cap, but did not feel inclined to over it, advising the landlady to give it to the police. Accordingly Mrs. Ventress let her daughter take it, and she gave it to Officer Fitzmaurice, who took it to headquarters.

Examined By Hilton.

Chief Hilton found it to be of the above dimensions, or about twice as large as a dynamite shell. It was a cylinder, and the protruding cap was packed solidly with tar. The chief dug the tar out with his pocket knife, and struck a layer of black powder. He pointed this out, and then came to the dangerous stuff. Gun cotton and dynamite are packed into the thing very tightly, and it required caution in getting it out. It was unloaded in a few moments. There was no way of exploding it, and the chief was satisfied. He was in the boarding house, and he looked in construction the integrity of others the police have handled.

There was probably three-quarters of a pound of explosive in the machine. The powder was dry as desert sand, and the police believe it is an old article.

Was Again Discharged.

Second Failure to Make Case Against Joe Davis.

Joe Davis, who has been twice charged with burglarizing the store of Joseph Williams on K street, is at last at liberty. The charge was preferred against him first in Justice McMaster's court, and as there was not enough evidence to bind him over, he was discharged. Assistant County Attorney Guntter then filed a new complaint for the same offense in Justice Sommer's court, and as there was not enough evidence to bind him over, he was discharged. Assistant County Attorney Guntter then filed a new complaint for the same offense in Justice Sommer's court, and as there was not enough evidence to bind him over, he was discharged. Assistant County Attorney Guntter then filed a new complaint for the same offense in Justice Sommer's court, and as there was not enough evidence to bind him over, he was discharged.

CLAY MUCH BETTER.

Union Pacific Man Continues to Improve.

H. M. Clay of the Union Pacific was reported much better yesterday. He rested easily Friday night, and has been rational almost continuously since Wednesday morning. His temperature is slowly dropping to the normal point. It was reported at about 100 last evening.

At the Lake House.

Tomorrow night. From 7:30 to 10 o'clock. Grand opening of holiday goods—Free concert and electrical display.

Ogden Contractor Is Heavily Involved.

C. J. COREY A BANKRUPT

ALL HIS CREDITORS ARE UNSECURED.

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HEARD AND SEEN

IN TIMMONY'S COURT

Charles A. Schewed, who ran amok in the Dooly block Friday forenoon, pleaded not guilty to destroying property. He didn't remember decorating the walls with black ink and making excessively merry with the traumas, apparently, but he admitted that the circumstances were briefly related and the court concluded Schewed was guilty.

The defendant did not seem to be in his proper mind," added the court, "and as this is his first offense, he is discharged."

The opinion is that Schewed has had too much police court. He is badly crippled and has been shuffling up the sidewalk for the past two years. This is the first time, however, that he has stood inside the railing.

R. Greenman, John Barrat and Jack Larsh, a trio of hobos run in by Officer Gillespie at the Short Line depot, admitted taking potatoes calculated to make them feel more energetic than usual, but were sent away on their wayward paths.

Willie's man of Salt Lake City is in the Evans office in the city court to see one.

Does your head ache? Pain back of your eyes? Bad taste in your mouth? It's your liver! Ayer's Pills are liver pills. They cure constipation, headache, dyspepsia, and all liver complaints. 25c. All druggists.

Want your complexion as bright as a beautiful sunset? Use BUCKINGHAM'S DYE FOR THE SKIN.

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Supreme Court Upsets Lower Court Judgment.

BETZ NOT ENTITLED TO RECOVER.

Court Holds That His Contract, Under Which He Was to Share In Profits, Binds Him Equally to Share In Losses, Which the Company Claimed to Have Sustained.

An opinion was handed down by the supreme court yesterday reversing the judgment of the lower court in decreasing the sum of \$941.22 due to plaintiff in the case of George L. Betz vs. The People's Building & Saving association, appellant. The plaintiff, who is a resident of Salt Lake county, sued to recover \$1,000.33 on account of withdrawal of his shares of stock in the association in pursuance of his construction of the company's rules and regulations.

Ground For Appeal.

Defendant appealed from the judgment on the ground that plaintiff must bear his share of the association's losses for the year 1928, due to depreciation of assets from general shrinkage in value. Plaintiff by proxy voted for the adoption of a resolution charging all stock with 22 per cent of loss, and this fact was admitted at the trial.

The supreme court opinion held that plaintiff must share his proportion of losses just as he is entitled to share in the profits. As to the contention that the plaintiff should not be charged with the year's losses on stock values in an installment contract, the opinion held there was no virtue in it.

Case From Ogden.

The supreme court handed down an opinion yesterday in which the settlement of a farming contract was involved. The case in point was an action brought against D. A. Smyth of Ogden by Joseph Abba of Warren, Utah, to recover damages to the amount of \$4,500, alleged to have been sustained on account of the alleged breach of a written contract wherein Smyth agreed to employ the appellant on the former's farm for a space of three years, for which privilege the party of the second part in the contract was to receive half of all the crops raised on the farm. Abba had paid for the privilege of five tons of hay and fifty bushels of oats to be taken out from the land before the division, the remainder to be equally divided between the two parties to the agreement.

D. A. Smyth, in his answer, admitted the contract, but alleged that the plaintiff had failed to fulfill his part of the contract, and that he had finally abandoned the homestead entirely. Accordingly he put in a counter claim for \$500 damages.

Heard Before Rolapp.

The case was heard before Judge H. H. Rolapp in the second district and the decision was rendered in favor of Smyth.

Yesterday the supreme court reversed this decision and remanded the case to the district court with directions to order a new trial. The supreme court held that by signing this agreement, both parties agreed to its terms. Each part of the contract was a part of the whole. The opinion affirmed that the lower court erred in rejecting the testimony offered tending to show a complete breach of the contract on the part of the plaintiff, and a breach thereof on the part of the defendant, and in holding the contract to be unilateral and voidable at the option of the plaintiff, and in holding the contract void under the statute of frauds.

SWAN WILL THROW OUT

JUDGE HILES DECIDES PAPER IS NOT VALID.

Document Bore No Date and No Signatures of Witnesses as Required By Law.

Judge Hiles ruled yesterday that the paper purporting to be the last and holographic will of the late George Swan is not entitled to be admitted to probate under the laws of this state, from the fact that the document in question bears no date and no signatures of witnesses as required. It will be returned to the probate court and the estate of George Swan will be administered as an intestate estate.

Mrs. Mary Shelly of Troy, N. Y., has written Chief Hilton for information as to the whereabouts of her brother, John Swan, who is supposed to be in Salt Lake. His father's estate is being settled.

DIRECTORS TO MEET.

Will Call Session of Telephone Stockholders.

There will be a meeting in this city of the directors of the Rocky Mountain Bell Telephone company on Thursday afternoon, Dec. 14. The principal business to be transacted will be to call a gathering of the stockholders to consider the matter of increasing the capital of the company from \$1,000,000 to \$2,000,000, or \$2,500,000. To do this will require a two-thirds vote of the present stock, but local directors say this will be done without opposition.

At the Lake House

Tomorrow night. From 7:30 to 10 o'clock. Grand opening of holiday goods—Free concert and electrical display.

NEW ST. JAMES.

The Leading Medium Priced Hotel.

DENVER.

LOCAL AND CLIMATIC

Nothing but a local change of climate will do it. CATARRH. The Specific is Ely's Cream Balm.

It is quickly absorbed. Gives relief at once. Opens and cleanses. Relieves all kinds of Catarrh. It is quickly absorbed. Gives relief at once. Opens and cleanses. Relieves all kinds of Catarrh. It is quickly absorbed. Gives relief at once. Opens and cleanses. Relieves all kinds of Catarrh.

COLD IN HEAD

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"The Laborer is Worthy of His Hire."

But a wage-earner can get more for his personal services if in strong and vigorous health. The blood is the life-giving and strength-making part of the system. If it is pure, all is well; if not, it should be purified with Hood's Sarsaparilla, which makes the weak strong.

Can Eat—"Was tired out, had no appetite until I took Hood's Sarsaparilla. It built me right up and I can eat heartily." Rita M. Hager, Athol, Mass.

Hood's Sarsaparilla

Never Disappoints

Hood's Sarsaparilla cures liver, bile, and the non-digesting and only cathartic to take with Hood's Sarsaparilla.

IN THE COURTS.

WORK OF JUDGE CHERRY.

Disposes of Motions and Enters Short Orders.

The following business was transacted in the district court yesterday by Judge Cherry:

Salt Lake City Building & Manufacturing company vs. Ada Dwyer Russell; continued to law calendar.

John B. Meyers et al. vs. Annie P. Griffin; continued until Dec. 9.

John P. Cahoon vs. B. E. West et al.; thirty days additional to the motion for new trial and settle bill of exceptions.

V. Hunziker vs. E. L. Colburn; demurrer argued and overruled.

Charles Johansen vs. L. D. S. Colburn; demurrer sustained and ten days allowed to amend.

Kate Guthrie, administratrix, vs. Glimmer-Snyder; demurrer sustained and seven days allowed to amend.

John L. Lawson vs. New American Gas & Fuel company; motion for a new trial overruled.

Salt Lake Hardware company vs. John B. Meyers et al.; motion to dismiss agreed and overruled.

Thomas P. Mulloy vs. the Co-op Wagon & Machine company; motion to dismiss agreed and overruled.

James Sampson vs. J. H. Clark; motion to dismiss agreed and overruled.

Miller Tailoring company vs. T. P. Lewis et al.; demurrer overruled and ten days from notice to answer granted.

John H. Furling vs. L. D. S. Colburn; demurrer and motion to quash writ overruled and additional time to demur allowed.

Levi-Lutski Mercantile company vs. T. C. Patten; demurrer to answer sustained.

JUDGE HILES' COURT.

Morris vs. University Set For December 13.

Judge Hiles disposed of the following business yesterday:

J. R. Richardson vs. Treasurer Hill Mining company; demurrer to the complaint overruled as to all of defendants excepted and returned to law calendar.

Thomas Morris et al. vs. Walker et al.; set for Dec. 13.

John Furling, a native of sunny Italy and resident of Salt Lake, was admitted to citizenship.

Defendant of the divorce case of Leslie Pratt vs. Miland Pratt, Jr., and Estel Hamill vs. E. C. Hamill.

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